

Strategies to Reduce Sales of Alcohol and Tobacco to Underage Persons

**Joint Meeting of the Role of ABC
Underage Drinking Subcommittees
June 12, 2013**

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Alaska Alcohol and Tobacco Compliance Check Violations Rates, 2006–2011

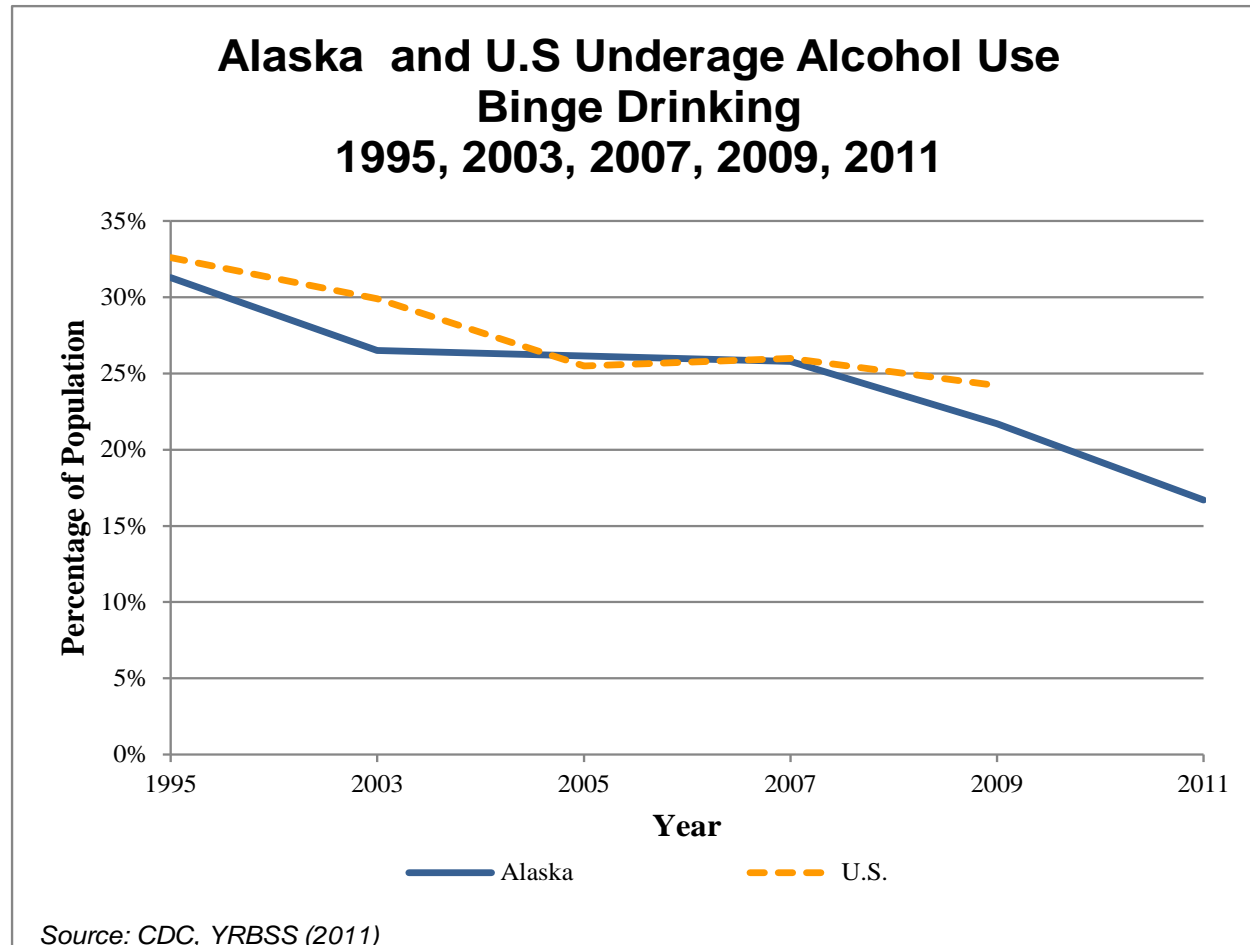
State Fiscal Year	Alcohol			Tobacco
	# Vendor Checks	# Sales	Violation Rate	Violation Rate
2006	874	169	19.3 %	9.4 %
2007	1037	190	18.3	13.6
2008	609	82	13.5	9.2
2009	614	83	13.5	15.1
2010	700	105	15.0	9.0
2011	804	98	12.0	7.6

Source: State of Alaska Alcoholic Beverage Control Board (2011)

Research Questions

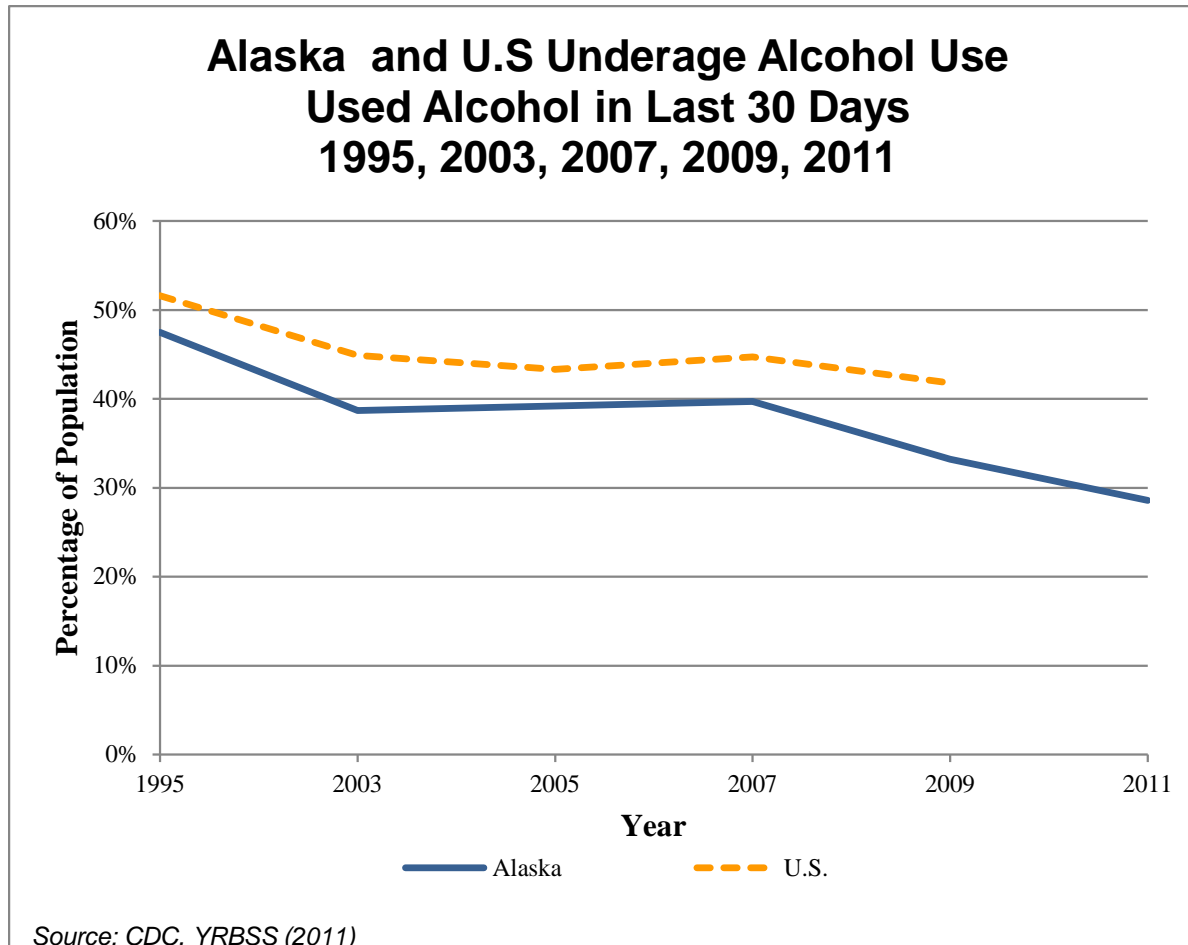
- Goal: Improve alcohol enforcement practices to increase compliance rates
 - Tobacco enforcement as a model
- Classification: Violation versus misdemeanor
- Factors that influence compliance
- Differences in policy and enforcement: Agencies, resources, punitive consequences, social forces, etc.

Underage Alcohol Problem: Binge



2001-2005 increase from 16% to 31% (nat'l average: 20%) (BRFSS)

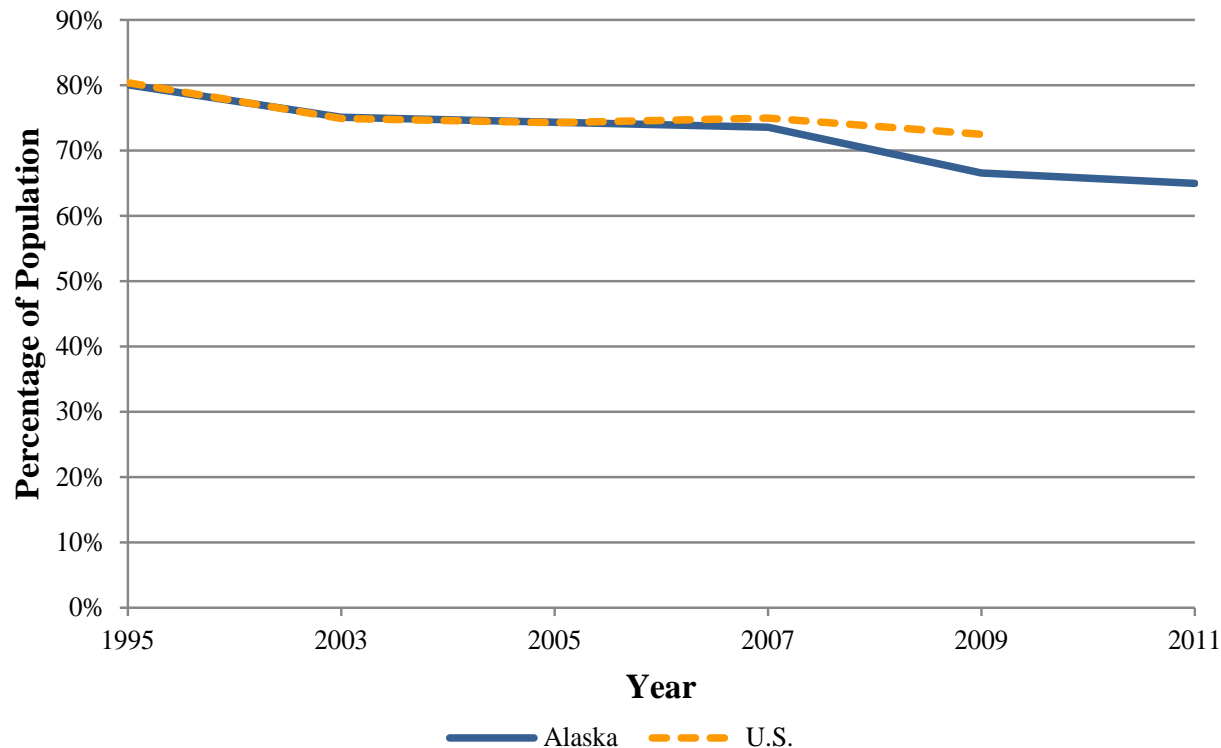
Underage Alcohol Problem: Last 30 Days



2001-2005 increase from 39% to 48% (nat'l average: 40%) (BRFSS)

Underage Alcohol Problem: Lifetime

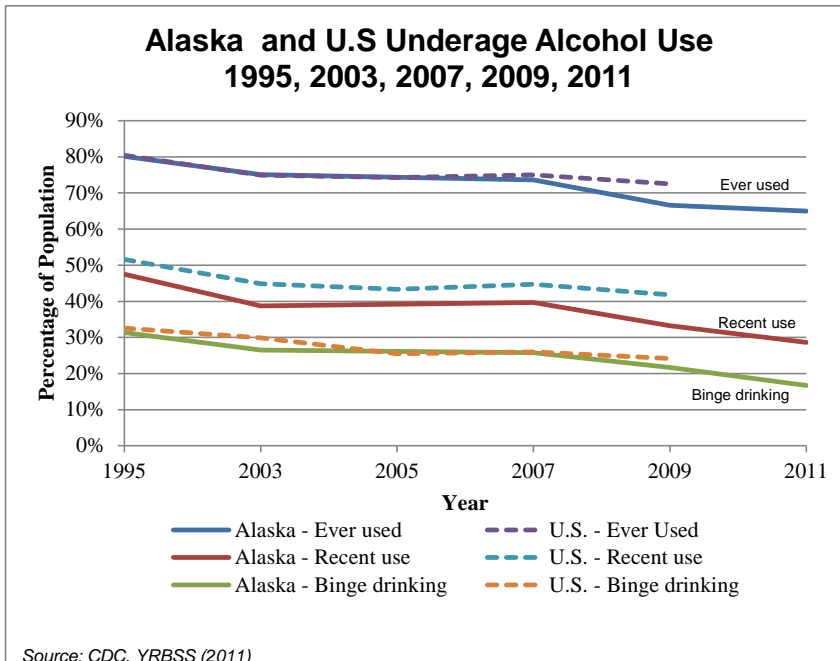
Alaska and U.S Underage Alcohol Use Used Alcohol in Lifetime 1995, 2003, 2007, 2009, 2011



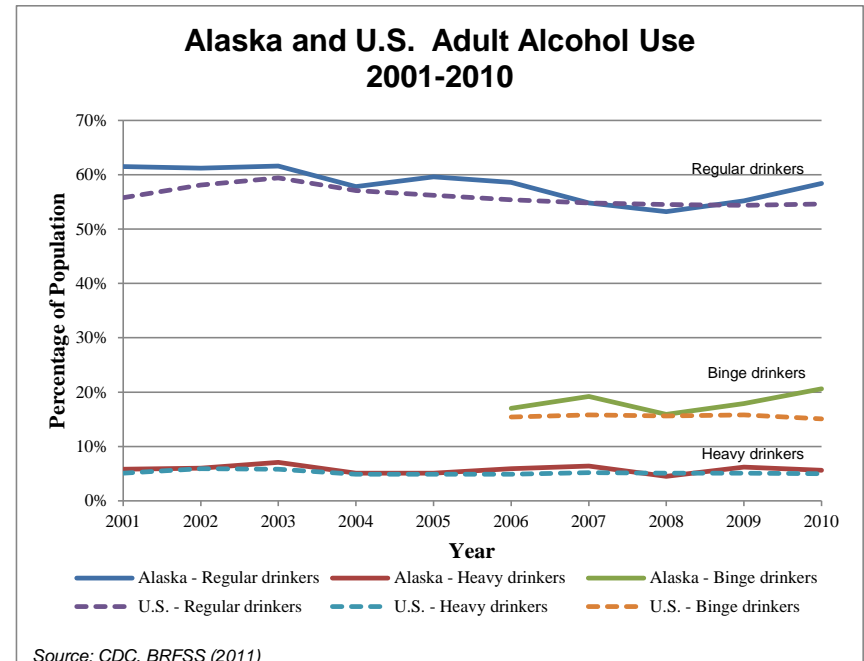
Source: CDC, YRBSS (2011)

Alcohol Problem

Underage

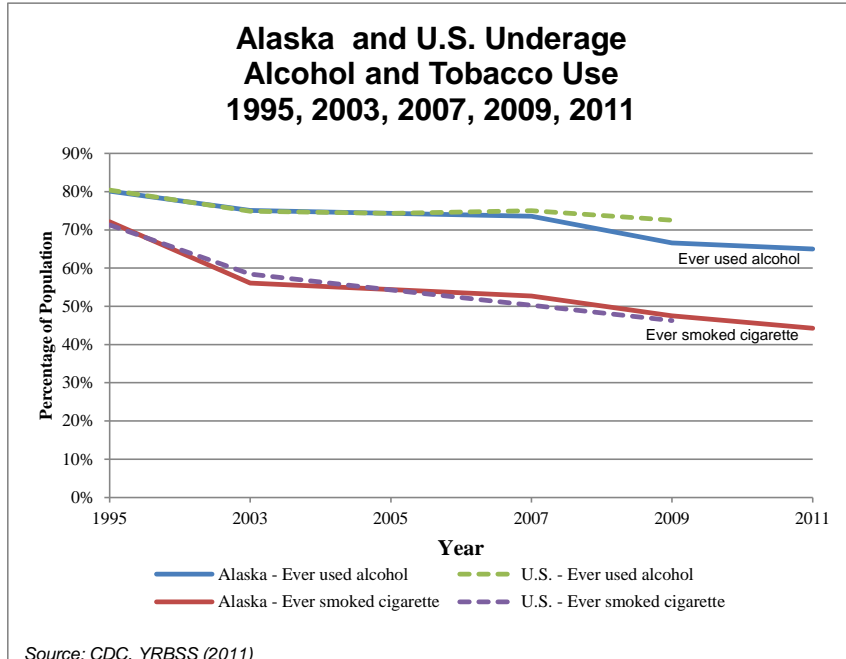


Adult

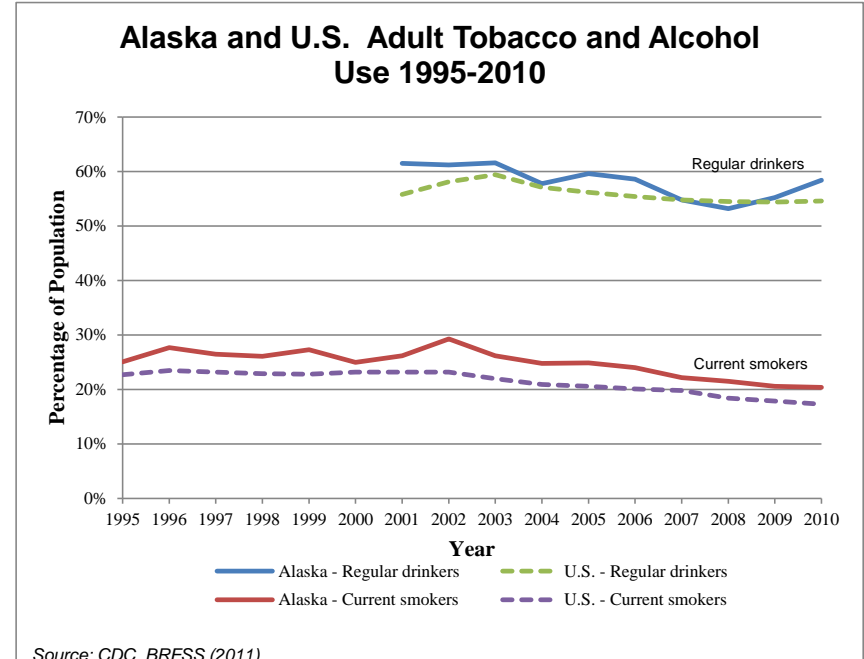


Alcohol & Tobacco Problems

Underage



Adult



Compliance Checks

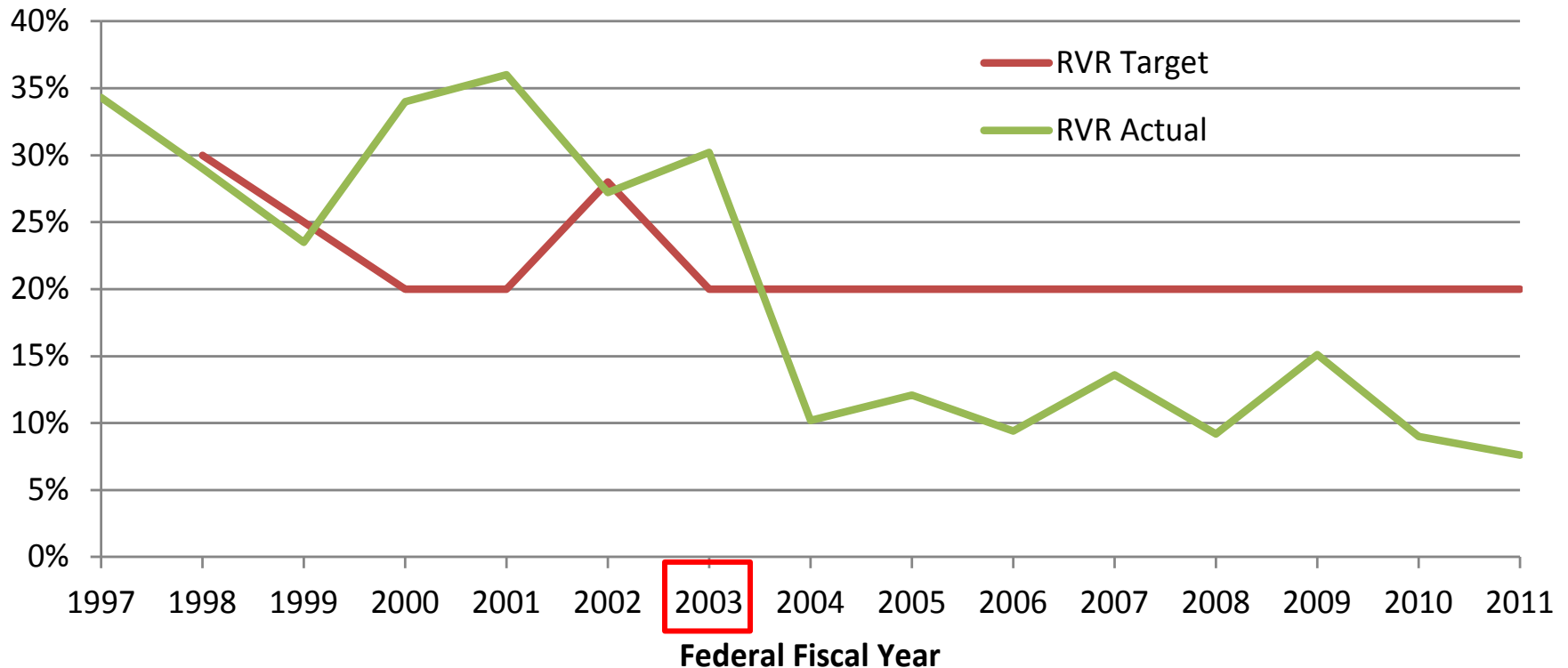
- Definition: Underage buyer attempts to purchase alcohol without ID
- Justification
 - Deter sales to underage persons by promoting regular identification checks
 - Effective compliance checks reduce purchase and use of age-restricted products
 - Shown to be more effective than merchant education
- Recommendation: Part of a multi-pronged effort

Federal Tobacco Prevention & Intervention

- Synar Amendment of Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (1992)
- Requirements:
 - Enact and enforce laws prohibiting sale or distribution of tobacco to underage persons
 - Conduct compliance checks
 - Compliance rates of 80% or better (by 2003).
Alternative: Lose up to 40% of Substance Abuse Prevention and Treatment (SAPT) Block Grant funds
 - Annual reporting

Alaska Tobacco Enforcement Data

Alaska Target and Reported Tobacco Retailer Violation Rates (RVR) *



Source: SAMHSA (2011)

Caution About Comparisons

General

- Process of conducting compliance checks varies greatly
- Surveys versus law enforcement
- Demographics: Age, gender, and ethnicity
- Training and supervision of underage buyers

Alaska

- Synar sample
- ABC Board must approve underage alcohol buyers
- Synar reporting differentially weights rural and urban checks

Factors Influencing Effectiveness

- Regular checks: More frequent checks associated with increased compliance
 - 364 day reprieve may deter less effectively
- Checks occur over a prolonged period
- Compliance checks and results are publicized in the media
 - Retailers and community
- Compliance is rewarded

Recommendations

- Increase number of compliance checks
- Reward compliant employees or retail outlets
- Require identification checks for all alcohol purchases
 - Consider electronic techniques
- Pair compliance checks with media campaign (merchants and community)
- Compliance checks as part of a multi-pronged effort

Penalties for Noncompliance

- Classification as misdemeanor is common
 - Administrative penalties only are used in communities with no other enforcement options
- Graduated sanctions
- Imposed on licensees (not just employees) to promote policy change
 - Hiring, training, supervising, regular identification checking

Age-of-Sale Laws in Alaska: Alcohol versus Tobacco

Alcohol

- Misdemeanor
- Prosecuted in court and handled administratively by ABC Board
- 5 year period for multiple violations

Tobacco

- Violation
- Handled administratively by DCCED
- 2 year period for multiple violations

Maximum Penalties in Alaska: Alcohol versus Tobacco

Alcohol

- First conviction/offense:
 - Up to \$10,000 fine
 - License suspension up to 45 days
- Second conviction/offense (within 5 years)
 - Up to \$30,000 fine
 - License suspension up to 90 days
- Third conviction/offense (within 5 years)
 - Up to \$50,000 fine
 - License can be suspended or revoked

Tobacco

- First offense:
 - Up to \$300 fine (seller and licensee)
 - License suspension up to 20 days
- Second offense (within 2 years)
 - Up to \$500 fine
 - License suspension up to 45 days
- Third offense (within 2 years)
 - Up to \$1,000 fine
 - License suspension up to 90 days

Penalties for Noncompliance in Alaska

Alcohol

- 727 sales (2006-2011)
- Number of sanctions: 63
- Sanction rate
 - $63/727 = 8.7\%$
- Length of license suspension
 - Maximum: 45 days
 - Median: 7 days
- Penalties lack certainty and severity

Tobacco

- 124 sales (2008-2011)
- Number of sanctions: 112
- Sanction rate
 - $112/124 = 90.3\%$
- Length of license suspension:
 - Maximum: 20 days
 - Median: 18 days
- Penalties are certain and more severe

Recommendations

- Graduated penalty structure with mandatory license suspensions and revocations and fines
- Specify aggravating and mitigating circumstances and impact on penalties
- Hold licensees responsible for conduct of employees
- Impose sanctions consistently and in accordance with penalty structure

Funding

	Tobacco	Alcohol
Alaska appropriation	\$9,839,800 (exceeds level recommended by CDC)	
Excise taxes	Fund tobacco control and education	
Federal funds	Master Settlement Agreement from tobacco industry	
Enforcement resources	\$175,000	\$100,000

Well-funded prevention efforts result in higher rates of compliance

Recommendations

- Model tobacco control program to reduce underage drinking
 - Adequately funded, coordinated, multi-pronged prevention and intervention plan
- Adequately fund the multi-pronged effort
 - Increase cost of licenses
 - Require yearly (rather than biennial) license renewal
 - Dedicate licensee penalty fees
 - Increase excise tax on alcohol to keep pace with inflation
 - Explore other revenue sources

Recommendations

- Collect and report data on compliance and violation, repeat violators, case dispositions, and criminal and civil sanctions
- Evaluate ABC Board control and enforcement efforts

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